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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,795	04/25/2005	Noriaki Furusato	10873.1688USWO	6625

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.  
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MINNEAPOLIS, MN 55402-0902

EXAMINER
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NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2886

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/532,795

Applicant(s)

FURUSATO ET AL.

Examiner

Tu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/25/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-6 are objected to because of the following informalities:

1) Claim 1, line 2; Claim 3, line 2; Claim 4, line 3, "the same optical path" should be changed to "a same optical path".

2) Claim 1, line 8; Claim 3, line 8; Claim 4, line 12, the phrase "may be" should be removed because the it is unclear whether the limitations following the phrase are part of the claimed.

Claims 2,5-6 are objected as being depended on an objected claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Kimura (2002/0043636).

With respect to claim 1, Kimura discloses a light source unit, which emits a plurality of light beams with different wavelengths along the same optical path, comprising at least a plurality of light emitting devices 2-3 (fig 1) and a plurality of dichroic mirrors 7-8 (fig 1) that are different in wavelength range of a reflectible light beam (paragraph [0085]), wherein the number of the plurality of dichroic mirrors (two mirrors, 7,8) is equal to the number of the plurality of light emitting devices (two light emitter 2-3), the plurality of light emitting devices are arranged so that output directions of the respective light emitting devices may be in parallel (paragraph [0085], lines 2-3), the plurality of dichroic mirrors are arranged so that each of the dichroic mirrors can reflect one of emitted light beams that are emitted by the plurality of light emitting devices (fig 1), and light beams reflected by the respective dichroic mirrors may pass through the same optical path in the same direction (beam 4, fig 1 is a combination of reflected light from elements 7,8).

With respect to claim 2, Kimura discloses using the plurality of light emitting devices 2-3 (fig 1) being different in wavelength of an emitted light beam, and are arranged in order of wavelength of the emitted light beam (paragraph [0084]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oostman, Jr. et al (2003/0048539).

With respect to claim 3, Oostman discloses a photo-detector unit, which receives a plurality of incident light beams with different wavelengths that enter along the same optical path 28 (fig 1), comprising at least a plurality of photo-detectors 32,33 (fig 1) and a plurality of dichroic mirrors 25,34 (fig 1) that are different in wavelength range of a reflectible light beam (paragraph [0003], lines 27-39), wherein the number of the plurality of dichroic mirrors is equal to the number of the plurality of photo-detectors (fig 1), the plurality of photoreceptors are arranged so that photoreceptive surfaces of the respective photoreceptors may be in parallel to each other, and the plurality of dichroic mirrors are arranged so that each of the incident light beams may be reflected by any one of the dichroic mirrors and may enter one of the plurality of photoreceptors, according to the wavelength of the incident light beam (fig 1).

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Oostman does not disclose a photoreceptive. Since Oostman's photo-detectors are used for receiving the reflective light from the mirrors, it would have been obvious that Oostman's photo-detectors could be considered same as the claimed photoreceptive.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (2002/0043636) in view of Oostman, Jr. et al (2003/0048539).

With respect to claim 4, Kimura discloses the claimed light source unit (refer to discussion in claim 1 above). However, Kimura does not disclose the claimed photoreceptor unit. Oostman discloses the photoreceptive unit as claimed (refer to discussion in claim 3 above). It would have been obvious to modify Kimura's light source unit with the photoreceptive unit taught by Oostman to detecting different range of wavelengths at a same time to facilitate the measuring.

With respect to claim 5, refer to discussion in claim 2 above.

With respect to claim 6, Oostman discloses detecting a fluorescent sample (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2800 Ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Tu T. Nguyen', with a long horizontal flourish extending to the right.

Tu T. Nguyen  
Primary Examiner  
Art Unit 2886

05/26/2007